STATUTORY INSTRUMENTS

1980 No. 1204

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service Functions (Directions to Authorities) Regulations 1980

Made - - - -	12*th August* 1980
Laid before Parliament	13*th August* 1980
Coming into Operation	14*th August* 1980

The Secretary of State for Social Services, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of powers conferred upon them by sections 13(**a**), 14 and 17 of the National Health Service Act 1977(**b**), and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the National Health Service Functions (Directions to Authorities) Regulations 1980 and shall come into operation on 14th August 1980.

Interpretation

2. In these regulations, unless the context otherwise requires:—

"the Acts" means the National Health Service Act 1946(**c**), the National Health Service Reorganisation Act 1973(**d**) and the National Health Service Act 1977;

"Area Authority" means an Area Health Authority and includes an Area Health Authority (Teaching);

"preserved Board" has the meaning assigned to it by section 15(6) of the National Health Service Reorganisation Act 1973;

"Regional Authority" means a Regional Health Authority;

"relevant Regional Authority" means in relation to any Area Authority the Regional Authority of which the region includes the area of that Area Authority.

Functions exercisable by Regional Authorities, Area Authorities in Wales and preserved Boards

3.—(1) Subject to and in accordance with such directions as the Secretary of State may give under the powers conferred on him by the Acts—

(*a*) a Regional Authority as respects its region and anywhere outside its region that the Secretary of State may direct,

(**a**) Section 13 was applied to preserved Boards of Governors of teaching hospitals by the National Health Service (Preservation of Boards of Governors) Amendment Order 1980, S.I. 1980/1193.

(**b**) 1977 c. 49. (**c**) 1946 c. 81. (**d**) 1973 c. 32.

(*b*) an Area Authority in Wales as respects its area and anywhere outside its area that the Secretary of State may direct, and

(*c*) a preserved Board as respects the hospital of which it is the Board of Governors,

shall exercise on behalf of the Secretary of State the functions specified in paragraph (2) of this regulation.

(2) The functions exercisable under paragraph (1) are the functions of the Secretary of State relating to the health service, under provisions of the National Health Service Act 1977, which are specified in the following sub-paragraphs of this paragraph, namely—

(*a*) under section 63 with respect to authorising hospital accommodation to be made available on payment of charges for part of the cost and recovering those charges;

(*b*) under section 65(2) with respect to allowing accommodation and services, authorised to be made available under section 65(1)(**a**), to be made available in connection with the treatment, in pursuance of arrangements made by medical or dental practitioners, of their private patients as resident patients;

(*c*) under sections 65(1) and 66(1)(**a**) with respect to the recovery of charges for accommodation and services authorised by the Secretary of State to be made available under sections 65(1) and 66(1), and with respect to the determination under section 66(1) and (2) of such charges for non-resident patients where no relevant determination has been made by the Secretary of State.

Functions to be made exercisable by Area Authorities in England

4. Subject to and in accordance with such directions as the Secretary of State may give under the powers conferred on him by the Acts, every Regional Authority shall secure, by direction given by an instrument in writing, that each of the Area Authorities of which the area is included in its region shall, subject as aforesaid and subject to any such directions by the relevant Regional Authority, exercise as respects its area, and anywhere outside its area that the relevant Regional Authority may so direct (being, if outside the region of that Regional Authority, a locality designated for that purpose by direction of the Secretary of State), such of the Secretary of State's functions relating to the health service as are specified in regulation 3 above.

Revocations

5. The regulations specified in the Schedule to these regulations are hereby revoked to the extent specified in the third column of that Schedule.

(**a**) Sections 65(1) and 66(1) were amended by the Health Services Act 1980 (c. 53) section 11(1).

Patrick Jenkin,
Secretary of State for Social Services.

12th August 1980.

Nicholas Edwards,
Secretary of State for Wales.

12th August 1980.

Regulation 5

SCHEDULE

REVOCATIONS

Column 1 Regulations revoked	Column 2 References	Column 3 Extent of revocation
The National Health Service (Functions of Regional Hospital Boards, etc.) Regulations 1969.	S.I. 1969/297	Regulation 7(*a*)(4) and (*b*) and paragraphs (*a*) and (*b*) of the proviso to regulation 7.
The National Health Service Functions (Directions to Authorities) Regulations 1974.	S.I. 1974/24	Regulation 3(1)(*c*) and (*d*) and (2)(*a*), (*b*) and (*c*). Regulation 4(3) and (5). In regulation 5(2) the words "3(1)(*c*), 3(2)(*a*) or". In regulation 6(1) the words "4(3), 4(5)". In regulation 7 the words "3(1)(*c*), 3(2)(*a*) and". In regulation 8(1) the words "4(3), 4(5)".

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations direct Regional Health Authorities in England and Area Health Authorities in Wales to exercise, on behalf of the Secretary of State, his functions with respect to authorising hospital accommodation to be made available on part payment, and allowing hospital accommodation and services authorised by the Secretary of State to be made available for private patients. The Regulations require Regional Health Authorities in England to direct that these functions are to be exercisable by Area Health Authorities. The directions in the National Health Service Functions (Directions to Authorities) Regulations 1974 with respect to authorising hospital accommodation and services to be made available for private patients are revoked and consequential revocations made.

Provision is made for the functions to be exercisable also by the Boards of Governors of teaching hospitals which are preserved by the National Health Service (Preservation of Boards of Governors) Order 1979 (S.I. 1979/51), with corresponding revocation of directions previously given in respect of them in the National Health Service (Functions of Regional Hospital Boards, etc.) Regulations 1969 (S.I. 1969/297).

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